



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,229	02/09/2001	Hannu Tahkanen	032221-008	7229

21839 7590 11/14/2003

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

SCHLAK, DANIEL K

ART UNIT PAPER NUMBER

3653

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No. 09/719,229		Applicant(s) TAHKANEN, HANNU	
Examiner Daniel K Schlak		Art Unit 3653	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All. b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by admitted prior art, figures 1 and 2.

Figure 1 shows a plant for screening wood chips and for subsequently leading chips to a subsequent process comprising at least one separating apparatus (1) to separate pin chips (9) from a quantity (6) of chips to be led to the subsequent process. Figure 1 shows a dosing apparatus (10) which doses pin chips to the conveyor (7) which leads the chips that are to be led to the subsequent process, to the subsequent process.

Upon being separated from the chips that are to be led to a subsequent process, the desired amount is continuously advanced to be dosed among the chips that are to be led to the subsequent process.

Following figures 1 and 2, the Examiner interprets the "desired amount" to be the pin chips which are entrained in the auger at the bottom of (10), and which are continuously advanced to be dosed. Line (11) depicts a dosing of chips which, if the dosing is to be maintained according to predetermined dosing ratios, is continuous in every way.

Art Unit: 3653

Apparently Applicant intends to recite that the pin chips never stop moving from the point at which they are separated until the point at which they are dosed among the other chips. The Examiner does not believe the current recitation of "continuously advanced" specifies such a feature in such a narrow interpretation, as in selecting certain locations of the overall schematic shown in figure 1, at least line (11) and the auger of (10) are continuously advancing the pin chips, regardless of what happens before arriving to the auger.

Further, even in the case where the recitation "continuously advanced" is taken to mean that the pin chips never stop moving, it is clear that in figure 1, the pin chips along line (11) are being continuously advanced, and the auger is continuously advancing the pin chips entrained within it, and the pin chips directly above the auger are being continuously advanced as the auger conveys the chips under them, and the pin chips directly above the pin chips which are directly above the auger must necessarily move downwardly to take their place, the foregoing being a natural phenomenon caused by gravity and is such a fundamental necessity that it would be strange indeed to find any group of pin chips that was not moving downwardly throughout its stay in the container (10). The Examiner believes in studying figure 1 that it would be only a special case, upon some rare event or due to some local blockage or perhaps in the corners of the container whereat some pin chips might have set up residency, wherein every pin chip coming into the container (10) would completely stop moving downwardly toward the auger while the auger is running. Particularly when container (10) is only 5% or 20% full of chips, *almost every chip* following line/arrow (9)

Art Unit: 3653

will move continuously and even relatively quickly much like in the instant invention, from the point at which it is separated until the point at which it is dosed.

Pertaining to claim 6, the above discussion is not even needed to show how figure 1 anticipates it, as claim 6 merely says that the dosing apparatus is adapted to continuously advance and dose the pin chips, and the auger of the container (10), in cooperation with line (11), does exactly this.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K Schlak whose telephone number is 703-305-0885. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306 - 4173. The fax phone number for the organization where this application or proceeding is assigned is 703-306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308 - 1113.

dks


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600